

## **REMARKS**

Reconsideration of the application in view of the present amendment is respectfully requested.

By the present amendment, claims 1 and 3-5 have been canceled. Claims 6 and 7 have been amended to provide their proper dependency. Claims 8-10 have been added.

Based on the foregoing amendments and the following remarks the application is deemed to be in condition for allowance and action to that end is respectfully requested.

### **I. Rejection Under 35 U.S.C. § 112**

The Examiner rejected claim 4 under 35 U.S.C. § 112, first and second paragraphs. As noted above, claim 4 has been canceled, together with claims 1, 3, and 5. Accordingly, the rejection of claim 4 under 35 U.S.C. § 112 became moot.

### **II. Rejection of Claims Over the Prior Art**

The Examiner has rejected claims 1 and 5 under 35 U.S.C. § 103(a) as being obvious in view of Japanese Patent Document JP11-315,794 to Ichikawa et al.; has rejected claim 3 under 35 U.S.C. § 103(a) as being obvious in view of Ichikawa and U.S. patent Number 1,136,957 to Hettinger; has rejected claim 6 under 35 U.S.C. § 103(a) as being obvious in view of Ichikawa and German Patent

Document DE4237972 to Reimer; and has rejected claim 7 under 35 U.S.C. § 103(a) as being obvious in view of Ichikawa and U.S. Patent Number 1,288,728 to Spencer.

It is respectfully submitted that claims 6-10 are patentable over the cited references, claims 1, 3, and 5 having been canceled.

Specifically, claim 8 recites that the tempering component includes:

- i) a circumferential groove provided in an outer circumferential surface of the tempering component;
- ii) means for enabling circulation of cooling medium through the circumferential groove; and
- iii) a plurality bores through which connection means for connecting the recipient and the pump is extendable.

The formation of the cooling medium circulation groove in the outer circumferential surface of the tempering component facilitates the delivery of the cooling medium, and the provision of plurality bores, through which connection means, which connects the recipient and the pump, is extendable, substantially facilitates mounting of the tempering component.

The foregoing novel features of the present invention are not disclosed or suggested in the prior art, including the prior art of record in this application.

Considering the prior art, Ichikawa does disclose neither a circumferential groove formed in the outer circumferential surface of tempering component (plate 40) and/or a plurality of bores formed in the tempering component through which connection means for connecting the pump and the recipient is extendable. Applicant respectfully submits that Ichikawa neither anticipates nor makes obvious the present invention as defined by claim 8.

Nor would the present invention be obvious over Ichikawa in view of Hettiger. Hettiger discloses formation of circumferential grooves in the compressor housing (a) and closing them with a sleeve (jacket 35). Therefore, what Hettiger can suggest is to form a circumferential groove in the pump housing (2) of Ichikawa and surround it with a jacket, eliminating the separate tempering component (40). Modification of the tempering component of Ichikawa in view of Hettiger would have required a substantial reconstruction and redesign of the tempering component and changing the principle of its operation.

It is a long held view that when “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate, then the teachings of the references are not sufficient to render the claim *prima facie* obvious. *In re Ratti*, USPQ 349 (CCPA 1959).

It is respectfully submitted that the combination of Ichikawa and Hettiger is unobvious.

Even assuming, *arguendo*, that Ichikawa and Hettiger could have been combined, the modified tempering component still would not have bores through which the connection means for connecting the pump with an outside apparatus is extendable.

In view of the above, it is respectfully submitted that the present invention, as defined by claim 8, is neither anticipated nor is obvious in view of the prior art, and claim 8 is allowable.

Claims 6-7 and 9-10 depend on claim 8 and are allowable of the same reason claim 8 is allowable and further because of specific features recited therein which, when taken alone and/or in combination with those of claim 8, are not disclosed or suggested in the prior art.

## CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



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